

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 16, 2003

Division: BOCC

Bulk Item: Yes No X

Department: DISTRICT 5

AGENDA ITEM WORDING: Discussion of the process of assigning Tier 1, Tier 2, and Tier 3 designations to existing subdivisions.

ITEM BACKGROUND: Angler's Park has been designated as a Tier 1 on Growth Management's preliminary maps. It is a highly developed subdivision located on the north side of Adam's Cut. Many homes are currently under construction in this subdivision and they meet the criteria for Tier 3. Staff is basing their evaluation as a Tier 1 based on a contiguous four-acre plot of hammock that is not under permit. Monroe County is also allowing additional points for ROGO if an applicant donates 80% of a hammock and allows 20% to be cleared for a housing unit.

PREVIOUS RELEVANT BOCC ACTION:

CONTRACT/AGREEMENT CHANGES:

STAFF RECOMMENDATIONS:

TOTAL COST: N/A

BUDGETED: Yes No

COST TO COUNTY:

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:


MAYOR PRO TEM MURRAY NELSON

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM # 07

LAND DEVELOPMENT REGULATIONS

§ 9.5-122.3

Point assignment:

+3

Criteria:

Each additional contiguous vacant, legally platted, buildable IS, IS-D, URM, URM-L or CFV lot which is aggregated will earn the application the additional points as specified.

Additional requirements

The application shall include but not be limited to the following:

1. An affidavit of ownership of all affected parcels, acreage or land; and
2. A legally binding restrictive covenant limiting the number of dwelling units on the aggregated lot, running in favor of Monroe County and enforceable by the county, subject to the approval of the board of county commissioners prior to filing in the office of the clerk of the county. Such covenant must be approved by the board before any development approval may be issued pursuant to an award.

- (4) *Acreage tract density reduction:* The following points are intended to encourage the voluntary reduction in allocated density on parcels with density of land.

§ 9.5-122.3

MONROE COUNTY CODE

Point assignment:

Criteria:

+ 2

An application which voluntarily reduces the allocated density of the parcel of land proposed for development by between fifty (50) and sixty-six (66) percent.

+ 4

An application which voluntarily reduces the allocated density of the parcel of land proposed for development by between sixty-seven (67) and seventy-five (75) percent.

+ 6

Application which voluntarily reduces the allocated density of the parcel of land proposed for development by greater than seventy-five (75) percent.

Additional requirements:

1. The parcel proposed for development must be located in zoning districts in which density is allocated in residential units per acre.

2. The application shall include but not be limited to the following:

- Affidavit of ownership of the affected parcel, acreage or land;

LAND DEVELOPMENT REGULATIONS

§ 9.5-122.3

Point assignment:

Criteria:

- Legally binding restrictive covenant limiting the number of dwelling units on the acreage tract, running in favor of Monroe County and enforceable by the county, subject to the approval of the board of county commissioners prior to filing in the office of the clerk of the county. Such covenant must be approved by the board before any development approval may be issued pursuant to an award.

- (5) *Land dedication:* The following points are intended to encourage the voluntary dedication of vacant, buildable land within those areas proposed for acquisition by governmental agencies for the purposes of conservation or resource protection.

Point assignment:

Criteria:

+ 2

An application which includes the dedication to Monroe County of one (1) vacant, legally platted buildable lot or at least one (1) acre of unplatted buildable land located within a conservation area or areas proposed for acquisition by governmental agencies for the purposes of conservation and resource protection.

§ 9.5-122.3

MONROE COUNTY CODE

Point assignment:

+ 2

Criteria:

An application which includes the dedication to Monroe County of either an additional legally platted, buildable lot, or an additional one (1) acre of unplatted buildable land located in areas proposed for acquisition by governmental agencies for the purposes of conservation or resource protection.

Additional requirements:

1. "Buildable" means construction of a dwelling unit or some development could be permitted, as determined by the environment resources director.
2. The application shall include but not be limited to the following:
 - An affidavit of ownership of all affected lots, parcels, acreage or land;
 - A statutory warranty deed, subject to the approval of the board of county commissioners prior to filing in the office of the clerk of the county, which conveys the dedicated property to the county. Such deed must be approved by the board before any development approval may be issued pursuant to an award.

Commissioner Nelson, this past quarter, two applicants received allocations to build in environmentally sensitive (those with negative points in biology) land and aggregated at least 4-8 lots to do so. There were 173 applicants and 19 had negative points with the highest negative number being -5 which received an allocation.

Rank	Permit #	Name	Date	Time	plan	bio	bldg	SCORE	Key	Subdivision	Lot	Date and Time of Application Block RE#	Proposed Tier Assignments
MARKET RATE DWELLING UNITS													
1	*@	02-3-3992 Rubio G., & Fereira, M	10-Jan-03	11:45 AM	31	-5	6	32	Key Largo	Pirates Cove	1,2,3,4,15, 16,17,18	8 00493870.000000	2
2	*@	02-3-5081 Castillo, Rene & Fradys	13-Jan-03	09:50 AM	19	-2	7	24	Key Largo	Lazy Lagoon	4,5,6,7,	1 00496550.000000	2
3	*@	02-3-4126 Fowler, David L.	10-Jan-03	09:35 AM	16	1	6	23	Key Largo	Pamela Villa	1/2 21, all 22, 23, 24	3 00464220.000000	2
4	*@	01-3-1796 Gonzalez, Jose M	02-Jan-03	10:05 PM	15	1	6	22	Key Largo	Key Largo Ocean Shores	15	3 00498060.000000	3
5	*M	01-3-1999 Tyree, James	11-Dec-01	02:35 PM	14	1	6	21	Key Largo	Winston Park	10	2 00545710.000000	2
6	*@	00-3-3114 M&S Key Largo Const.	27-Dec-01	02:25 PM	14	1	6	21	Key Largo	Winston Waterway Amd	16	8 00547211-003400	3
7	*M	01-3-3652 Monteagudo, Jesus	02-Jan-02	08:40 AM	14	1	6	21	Key Largo	Rev. Amd. Riviera Village	34	3 00510860.000000	2
8	*M	01-3-3916 Roca, Maria	09-Jan-02	09:40 AM	14	1	6	21	Key Largo	Port Largo	67	N/A 00451980.000000	3
9	*@	01-3-3110 Schultz, Edward	11-Jan-02	09:45 AM	19	1	1	21	Key Largo	Port Largo 5th Addition	550	N/A 00453475.016600	3
10	*@	02-3-4077 Ferradaz, Adrian	02-Dec-02	02:10 PM	13	1	7	21	Key Largo	Key Largo Park Amended	3, 23	15 00526590.000000	2
11	*@	02-3-4116 Condor Construction	10-Dec-02	08:40 AM	14	1	6	21	Key Largo	South Creek Village	1	7 00467610.000000	2
12	*@	02-3-5120 MVP Keys, Inc.	24-Dec-02	11:40 AM	14	1	6	21	Key Largo	Twin Lakes 1st Addition	11	N/A 00551000.001100	3
13	@	02-3-5080 Castillo, Rene & Fradys	26-Dec-02	01:40 PM	13	1	7	21	Key Largo	Key Largo Park Amended	25, 26	16 00527050.000000	2
14	@	02-3-2709 Brunke, Joseph M.	30-Dec-02	01:30 PM	13	1	7	21	Key Largo	Largo Sound	6, 7	4 00470990.000000	3

Commissioner Nelson, on last quarter's ROGO, there were five applicants that received allocations to build houses on environmentally sensitive land. All 5 aggregated at least 2 lots to do so. One sensitive habitat donated 2 lots as well as aggregated two and 4 applicants donated 1 or 2 lots for additional points.

									Park						DEDICATIONS
Rank	Permit #	Name	Date	Time	plan	bio	bldg	SCORE	Key	Subdivisi on	Lot	Date and Time of Application Block	RE#		
MARKET RATE DWELLING UNITS															
1	*@	02-3-3363 Ashby, Byron	24-Sep-02	12:05 PM	19	-2	6	23	Key Largo	Lazy Lagoon	8,9,10, 11	1	00496590 .000000	00315260 .000000 00167020 .000000 00307630 .000000, 00316580 .000000	
2	*@	02-3-2622 Barrett, Marvin	09-Oct-02	11:10 AM	17	-2	7	22	Key Largo	Anglers Park	16, 17	12	00553060 .000000		
3	*@	01-3-1331 Silva, Joseph	06-Sep-02	12:50 PM	15	1	5	21	Key Largo	Lime Grove Estates	6	5	00485810 .000000		
4	*@	02-3-1534 Novick, John	09-Sep-02	01:50 PM	13	1	7	21	Key Largo	Bahia Mar Estates	3,4	5	00544130 .000000		
5	*@	02-3-2483 Suarez- Cannon, Nancy	12-Sep-02	09:45 AM	16	-2	7	21	Key Largo	Bowens Add. To Riviera Village	5,6,7	14	00513100 .000000		
6	*@	02-3-2619 Condor Constructi on	16-Sep-02	09:40 AM	15	1	5	21	Key Largo	Holiday Homesites	9, 10	8	00531110 .000000		
7	*@	00-3-5139 Kohl, Beth	25-Sep-02	09:15 AM	13	1	7	21	Key Largo	Largo Sound Village	18	8	00475580 .000000		
8	*@	02-3-3248 Del Frante, Susan	01-Oct-02	09:45 AM	16	-2	7	21	Key Largo	Oceana	1, 2, 3	3	00085400 .000100		
9	*@	00-3-3068 Sotolongo , Sergio	07-Oct-02	10:15 AM	14	1	6	21	Key Largo	Port Largo	31	N/A	00451620 -000000		
10	*@	02-3-3070 Parkinson , Dean	09-Oct-02	11:17 AM	16	-2	7	21	Key Largo	Bowens Addition to Riviera Village	3, 10, 11	10	00512580 .000200		
11	*@	02-3-2707 Brunke,	11-Oct-02	01:15 PM		1		21	Key	Largo	4, 5	4	00470970		

451 1139

March 28, 2003

Maureen Lackey
Monroe County Planning and Zoning

RE: Tier System

Dear Ms. Lackey:

Attached is the plat for Anglers Park which you recently sent me. I have gone through the neighborhood and marked all of the properties that are fully developed with houses on them. This neighborhood has a two-lot minimum, so any area that I have marked in yellow is fully developed at this time.

The plat that you sent is not an "as-built" plat. It does not show the Adams D Waterway. It is also different from the Tier maps, and it is different from the Zoning map, which is different from the computer map that the County has.

Your tier map showing Anglers Park as a Tier 1 is incorrect and needs to be changed to its proper designation of Tier 3 (as defined in your Tier System definition).

Also, please note the following:

1. The subdivision is in an existing platted subdivision since 1925.
2. It has a complete infrastructure.
3. More than 50% of it is fully developed.
4. There is commercial property within close proximity.
5. There are few non-developed environmentally sensitive areas within the subdivision.

Please let me know when this has been taken care of.

Sincerely,

Ian G. Koblick

cc: Commissioner Nelson

REQUEST FOR REVIEW OF TIER DESIGNATION

ALL INFORMATION USED TO DETERMINE THE TIER DESIGNATION IS BASED ON INFORMATION FROM THE PROPERTY APPRAISER'S OFFICE, FLORIDA DEPARTMENT OF TRANSPORTATION AERIALS, AND FIELD DATA. SHOULD YOU FIND THAT YOUR NEIGHBORHOOD/SUBDIVISION IS NOT REFLECTED ON THE TIER MAPS AS THE AREA ACTUALLY IS, PLEASE FEEL FREE TO CONTACT THE PLANNING DEPARTMENT AT 852-7102 AND REQUEST A MEETING TO DISCUSS YOUR CONCERNS. PRIOR TO SCHEDULING A MEETING, PLEASE MAKE CERTAIN THAT THE PROPERTY HAS MET THE FOLLOWING CRITERIA FOR A PROPOSED CHANGE OF TIER DESIGNATION. CHANGES OF TIER DESIGNATIONS MUST MEET ALL OF THE FOLLOWING CRITERIA AND BE APPROVED BY THE MONROE COUNTY PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT.

TIER ONE:

The property is NOT:

- ☐ LISTED AS A CARL LAND
- ☐ A HAMMOCK AND/OR WETLAND LOT
- ☐ A PUBLICLY OWNED PARCEL
- ☐ CONSIDERED A RESTORATION LOT (LOCATED ADJACENT TO HAMMOCK CLUSTERS OR PUBLIC/OWNED AREAS)
- ☐ CONSIDERED A PASSIVE RECREATION AREA

TIER TWO:

The property is NOT:

- ☐ IN AN EXISTING SUBDIVISION THAT IS NOT PREDOMINATELY DEVELOPED
- ☐ LOCATED IN A SUBDIVISION THAT IS LESS THAN 50% SUBDIVISION BUILT OUT
- ☐ LOCATED IN A SUBDIVISION WITH HAMMOCK CLUSTERS
- ☐ LOCATED IN A SUBDIVISION WITH LESS THAN COMPLETE INFRASTRUCTURE ESTABLISHED (WATER, ROADS, ELECTRICITY)
- ☐ NOT LOCATED ADJACENT TO PUBLIC-OWNED TRACTS OF LAND

TIER THREE

The property is NOT:

- ☐ IN A PLATTED SUBDIVISION THAT IS MORE THAN 50% BUILT OUT.
- ☐ IN A SUBDIVISION PROVIDED WITH COMPLETE INFRASTRUCTURE.
- ☐ WITHIN CLOSE PROXIMITY TO ESTABLISHED COMMERCIAL AREAS.

PRIOR TO SCHEDULING A MEETING, PLEASE HAVE A PLAT OF THE SUBDIVISION ALONG WITH THE ACTUAL IDENTIFIERS (VACANT PARCELS, SCARIFIED LOTS...) WHICH ARE OF CONCERN TO YOU THAT PROVIDE ACCURACY AS TO THIS PARTICULAR PARCEL.

Get tier system right before implementation

When it comes to development here, it sometimes feels as if, like Alice, we've fallen down the rabbit hole.

We've got several programs going on - or not going on, as the case may be - that deal with development.

First there is the CommuniKeys system, designed to allow individual communities to shape the kind of growth they want in their neighborhoods.

It's a wonderful idea - one that, 20 years ago, would have been heresy, worthy of far and feathering.

CommuniKeys as a planning concept is diametrically opposed to the comprehensive planning process that took place in Monroe County about 20 years ago.

Back then, in the "bad old days," residential was residential and commercial was commercial and never the twain shall meet. Back then, lots of people suffered when their properties were downzoned - and devalued - to meet the current thinking.

These days, the thinking has changed.

Nowadays, combining certain commercial and residential uses are considered desirable insofar as they create self-contained communities, where people live close to shopping and so forth. Today, we are looking at the idea of putting apartments over commercial structures in order to meet the ongoing demands for affordable housing.

So far, CommuniKeys has not had a lot of success in the Upper Keys.

Tavernier's planning process is under way, but due to planning staff vacancies, it could be three or four months before the plan is finalized.

And as far as Key Largo's plan goes...well, how long can you hold your breath?

First there was the big fight about where to draw the line for Key Largo's CommuniKeys boundary.

The first one ran smack dab through

Editorial

neighborhoods and, in some cases, divided single pieces of property. The dividing line was admittedly arbitrary, but not arbitrary enough that it could be as easily changed as it was created.

Lots of to-ing and fro-ing went on before the Planning Department finally conceded that it could change the line and did.

That was the last time anything significant was done on the Key Largo CommuniKeys program because planners keep leaving the department short-handed with no one to do the work.

Since the CommuniKeys debut, the Planning Department has presented another wrinkle in the development process called the tier system.

The tier system was created to take the place of the county's Rate of Growth Ordinance (ROGO), slated to disappear in July.

There are three tiers in the system, which is supposed to be heavily weighted toward identifying property to be bought and preserved by the county.

Tier 1 property will never be developed, mostly due to their environmental sensitivity.

Tier 2 lots are transitional properties located on the fringes of hardwood hammocks and other Tier 1 parcels. Tier 2 lots are located in subdivisions that are at least 50 percent built out, that already have roads, electricity and so on.

Tier 3 land is located in subdivisions that are almost completely built out.

The problems with the tier system are legion. One is that planners are using very old maps that have little or no bearing on current, legal uses.

Another is that a number of 50-year-old-plus subdivisions, nearly completely built out, in Key Largo are being listed as Tier 1 areas. So are some subdivisions that were built on fill dirt.

Property owners were told, after the maps were first unveiled, that they had to carefully check the maps to make sure they were accurate.

But even that seems to have changed. "I'm not going to designate a tier due to a community desire to have a tier," Planning Director Marlene Conaway told The Reporter last week.

Let's find out where this particular rabbit hole goes before we get any deeper.